

FORM PTO-1390 /

U.S. Department of Commerce Patent and Trademark Office

Attorney's Docket No.

#7

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

3172-104

U.S. Application No. (if known)

10/526,563

INTERNATIONAL APPLICATION NO.
PCT/CA2003/001340

INTERNATIONAL FILING DATE
September 3, 2003

PRIORITY DATE CLAIMED
September 4, 2002

TITLE OF INVENTION

TREATMENT OF METASTATIC BREAST CANCER WITH ANTHRACYCLINES AND TAXANES

APPLICANT(S) FOR DO/EO/US

Lorne J. BRANDES

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

ITEMS 11. TO 20. below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☐ Other items or information: Copy of Missing Requirements

U.S. APPLICATION NO: (If known)
10/526,563

INTERNATIONAL APPLICATION NO.
PCT/CA2003/001340

ATTORNEY DOCKET NO.
3172-104

21. The following fees are submitted:



Basic national Fee \$300.00

CALCULATIONS

PTO USE ONLY

\$

22. ☒ Examination Fee

If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4) \$100.00

All other situations \$200.00

\$

23. ☒ Search Fee

Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Search Authority \$100.00

International Search Report prepared and provided to the Office \$400.00

All other situations \$500.00

\$

TOTAL OF 21, 22 AND 23 =

\$



Additional fee for specification and drawings filed in paper over 100 (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250.00 for each additional 50 sheets of paper or fraction thereof.

\$

Total Sheets

Extra Sheets

Number of each additional 50 or fraction thereof

Rate

- 100 =

/ 50 =

x 250

\$

Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).

\$ 130

Claims

Number
Filed

Number Extra

Rate

Total Claims 17 -20 =

X \$50.00

\$ 0

Independent Claims 1 - 3 =

X \$200.00

\$ 0

Multiple dependent claim(s) (if applicable)

+ \$360.00

\$ 0

TOTAL OF ABOVE CALCULATIONS =

\$ 130



Applicant claims small entity status. The fees indicated above are reduced by 1/2.

\$ 65

SUBTOTAL =

\$ 65

Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).

+

\$ 0

TOTAL NATIONAL FEE =

\$ 65

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property

+

\$ 0

TOTAL FEES ENCLOSED =

\$ 65

Amount to be
refunded

\$

Amount to be
charged

\$

a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.

b. ☒ Please charge my Deposit Account No. 02-2135 in the amount of \$ 65 to cover the above fees.
A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-2135.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Customer No. 06449

Rothwell, Figg, Ernst & Manbeck
1425 K St., N.W.
Washington, D.C. 20005
Phone: 202/783-6040

Signature

Robert B. Murray

Name

22,980

Registration Number



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/526,563	Lorne J Brandes	3172-104

INTERNATIONAL APPLICATION NO.

PCT/CA03/01340

LA. FILING DATE	PRIORITY DATE
09/03/2003	09/04/2002

06449
ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON, DC 20005

CONFIRMATION NO. 7472

371 FORMALITIES LETTER



OC000000016632043

Date Mailed: 07/28/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 03/04/2005
- Copy of the International Search Report filed on 03/04/2005
- Copy of IPE Report filed on 03/04/2005
- Preliminary Amendments filed on 03/04/2005
- Information Disclosure Statements filed on 03/04/2005
- Small Entity Statement filed on 04/13/2005
- U.S. Basic National Fees filed on 03/04/2005
- Priority Documents filed on 03/04/2005
- Specification filed on 03/04/2005
- Claims filed on 03/04/2005
- Abstracts filed on 03/04/2005

RECEIVED/FACILITIES
ROTHWELL FIGG ERNST & MANBECK
FILE NO. 3172-104
PAC PROC. INTL

AUG - 1 2005



EBM

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$65 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Late oath or declaration Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

PART 1 - ATTORNEY/APPLICANT COPY

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10/526,563	PCT/CA03/01340	3172-104